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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,731	08/31/2001	John S. Murphy	RYL 2 0658	2005

7590 06/27/2003

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EXAMINER

GREENE, JASON M

ART UNIT	PAPER NUMBER
1724	1C

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/944,731	MURPHY ET AL.
	Examiner Jason M. Greene	Art Unit 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 May 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) 13 is/are withdrawn from consideration.

5) Claim(s) 14-49 is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) 8-12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 01 May 2003 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. While the transmittal letter states that the information disclosure statement is accompanied by a PTO-1449, the Examiner notes that the PTO-1449 is not present. It appears as though Applicants inadvertently forgot to attach the PTO-1449 to the information disclosure statement. However, the Examiner notes that the references accompanying the information disclosure statement have been considered and made of record on the attached PTO-892.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Response to Amendment***

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yung '350 in view of Bachinski.

With regard to claim 1, Yung '350 discloses a canister vacuum cleaner (10) comprising a body (20) defining a suction inlet (not numbered) and an exhaust outlet (not numbered), a suction source (14) contained in said body and located fluidically between said suction inlet and said exhaust outlet, a dirt cup (32) releasably connected to said body, said dirt cup defining a dirt separation chamber and an airstream outlet (84) that releasably mates with said suction inlet when said dirt cup is connected to said body, said dirt separation chamber conformed to impart a rotational flow pattern to an airstream passing therethrough whereby contaminants entrained in said airstream are separated therefrom and deposited in said dirt cup, and a filter (80) located in said dirt separation chamber of said dirt cup in covering relation with said airstream outlet,

said filter comprising a frame (not numbered, grid covering opening 84) and a filter supported on said frame and located exterior thereto in Figs. 1-7 and col. 3, line 3 to col. 5, line 59.

Yung '350 does not disclose the filter being pleated.

Bachinski teaches it being well known in the art to pleat planar filters in col. 5, line 64 to col. 6, line 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the pleating of Bachinski into the filter of Yung '350 to increase the effective filter area of the filter without increasing the unit area defined by the outer perimeter of the filter, as suggested by Bachinski in col. 5, line 64 to col. 6, line 2.

With regard to claim 7, Yung '350 discloses the filter (80) being releasably connected to the dirt cup (32) in Figs. 1-7 and col. 4, lines 36-42.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yung '350 and Bachinski as applied to claim 1 above, and further in view of Meijer et al.

Yung '350 discloses a first portion (84) of the dirt cup defining said airstream outlet and a second portion (46) of the dirt cup defining an open entrance to the dirt separation chamber, wherein the canister vacuum cleaner includes a hose (22) communicating with said dirt separation chamber of said dirt cup through a hose fitting (92), wherein an outlet of said hose fitting is directed obliquely toward an interior wall

(38) of said dirt cup, whereby an airstream entering said dirt separation chamber from said outlet of said hose fitting is directed obliquely at said interior wall of said dirt cup in Figs. 1-7 and col. 3, line 3 to col. 5, line 59.

Yung '350 and Bachinski do not disclose the body comprising a cover that is selectively located in covering relation with said open entrance of said dirt cup when said dirt cup is connected to said body, wherein said cover is pivotably connected to a main portion of said body and pivots on an arc between a first position spaced away from said open entrance of said dirt cup and a second position in covering relation with said open entrance of said dirt cup, wherein a hose communicates with said dirt separation chamber of said dirt cup through said movable cover, the canister vacuum cleaner further comprising a hose fitting connected to and extending through said cover, said hose fitting comprising an inlet conduit projecting outwardly away from said cover external to said body and an outlet conduit located adjacent said open entrance of said dirt cup when said dirt cup is connected to said housing and said cover is placed in covering relation with said open entrance of said dirt cup, wherein said outlet conduit of said hose fitting is directed obliquely toward an interior wall of said dirt cup when said cover is placed in covering relation with said open entrance of said dirt cup whereby an airstream entering said dirt separation chamber from said outlet conduit of said hose fitting is directed obliquely at said interior wall of said dirt cup.

Meijer et al. discloses a similar canister vacuum cleaner including a body (1) comprising a cover (41) that is selectively located in covering relation with an open entrance of a dirt cup (11) when said dirt cup is connected to said body, wherein said

cover is pivotably connected to a main portion of said body and pivots on an arc between a first position spaced away from said open entrance of said dirt cup and a second position in covering relation with said open entrance of said dirt cup, wherein a hose (45) communicates with said dirt separation chamber of said dirt cup through said movable cover, the canister vacuum cleaner further comprising a hose fitting (43) connected to and extending through said cover, said hose fitting comprising an inlet conduit projecting outwardly away from said cover external to said body and an outlet conduit located adjacent said open entrance of said dirt cup when said dirt cup is connected to said housing and said cover is placed in covering relation with said open entrance of said dirt cup, wherein said outlet conduit of said hose fitting is directed toward an interior said dirt cup when said cover is placed in covering relation with said open entrance of said dirt cup in Figs. 1-3 and col. 3, line 56 to col. 8, line 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the moveable cover of Meijer et al. into the canister vacuum cleaner of Yung '350 and Bachinski to allow the upper portion of the body and the hose fitting to be pivotably displaced away from the dirt cup to facilitate removal of the dirt cup and to provide additional access to the interior of the body when the vacuum cleaner requires servicing.

***Allowable Subject Matter***

7. Claims 14-49 are allowed.

8. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 8-12, the prior art made of record does not teach or fairly suggest the canister vacuum cleaner of claim 1 wherein an annular airflow space is defined between said filter and an interior wall of said dirt cup that defines said dirt separation chamber.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (703) 308-1261. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene  
Examiner  
Art Unit 1724



DUANE SMITH  
PRIMARY EXAMINER  
1-6-23-03

jmg  
June 20, 2003